

EXHIBIT 4

Crystal Fell Kopiva's Deposition Transcript

Crystal Kopriva

02/21/2019

1 UNITED STATES DISTRICT COURT

2 FOR THE EASTERN DISTRICT OF MICHIGAN

3 SOUTHERN DIVISION

4
5 TEOKA S. WILLIAMS,

6
7 Plaintiff,

8 Hon. Victoria A. Roberts

9 vs

Case No. 2:18-cv-12522-VAR-MKM

10
11 BEAUMONT HEALTH,

12
13 Defendant.

14 /

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16
17
18 Deposition of CRYSTAL (FELL) KOPRIVA,

19 taken in the above-entitled matter before Notary Public,

20 Patricia A. Lutza, CSR, CRR, at the 19th District Court,

21 16077 Michigan Avenue, Dearborn, Michigan, on Thursday,

22 February 21, 2019, commencing at about 10:00 a.m.

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1 A. No.

2 Q. Did you take any notes on your own --

3 A. No.

4 Q. -- either by hand, on the computer, in a recording,
5 anything like that?

6 A. No.

7 Q. All right. Other than the progress notes, is there
8 anything that you can think of sitting here today
9 that would refresh your memory as to what happened
10 on November 1st and 2nd during the midnight shift or
11 the night shift?

12 A. No.

13 Q. At some point during the shift, do you recall Teoka
14 coming to speak with you about a patient?

15 A. Yes.

16 Q. And before that, do you recall what time that was?

17 A. I don't remember specifically the time. I know that
18 it was after 4 a.m.

19 Q. And prior to that --

20 A. Yes.

21 Q. -- from the time that Teoka Williams started until
22 sometime after 4 a.m., is there anything that you
23 recall, did anything happen with regard to
24 Ms. Williams, with regard to any of the patients on
25 that shift that you remember?

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1 A. No.

2 Q. So tell me about your recall as to Teoka Williams
3 coming to speak with you.

4 A. She came to me and told me that her patient had
5 called her a black bitch and that the patient had
6 stated she didn't want her to be her nurse.

7 Q. Was anybody with her?

8 A. I don't recall.

9 Q. Was anybody within earshot of the discussion you had
10 with Teoka, as you recall?

11 A. I don't recall.

12 Q. Did Teoka seem upset?

13 A. Yeah.

14 Q. And how do you know she was upset?

15 A. She physically looked upset.

16 Q. And you know that Teoka Williams is
17 African-American; correct?

18 A. Yeah.

19 Q. And you are Caucasian; correct?

20 A. Yes.

21 Q. What else, if anything, do you recall Ms. Williams
22 talking to you about at that point?

23 A. I don't recall.

24 Q. Did Teoka tell you what she thought should happen?

25 A. No.

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1 Q. All right. But sitting here today, and you don't
2 have any notes to refresh your recollection, but
3 what you recall is that Teoka did tell you that the
4 patient said she was a black bitch?

5 A. Yes.

6 Q. And stated she did not want Teoka to be her nurse;
7 correct?

8 A. Correct.

9 Q. Did Teoka Williams at that time say she did not want
10 to care for the patient?

11 A. No.

12 Q. Did Teoka Williams ever say at any time that she did
13 not want to or she would not care for that patient?

14 A. Not that I recall.

15 Q. Did you have any reason to question Teoka's
16 representation to you that the patient had said she
17 was a black bitch?

18 A. No.

19 Q. Sitting here today, do you have any reason to
20 question that Teoka was called that?

21 A. No.

22 Q. And, in fact, in reviewing what's been marked as
23 Exhibit 1 for your deposition, did Teoka put that
24 down in the progress notes that she had overheard
25 the patient call her a black bitch?

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1 the progress note?

2 A. Yeah.

3 Q. And you would have saw the reference that Teoka put
4 in there that she overheard the patient call her a
5 black bitch?

6 MS. DAHLE: I am going to object to the
7 form of the question. You are asking her if she
8 specifically recalls reviewing that one progress
9 note?

10 MS. GAFKAY: Yes.

11 BY MS. GAFKAY:

12 Q. And so my question is if you doubted -- if you had
13 reason to believe what Teoka put in the progress
14 note was not true, would you have indicated that in
15 the progress note?

16 A. Would I have made my own progress note?

17 Q. Yes.

18 A. Yes.

19 Q. So have you talked to anybody or seen any document
20 or do you have any information that suggests to you
21 what Teoka said about overhearing being called a
22 black bitch was not true?

23 A. No.

24 Q. Now, you would agree with me, wouldn't you, that
25 being called a black bitch relates to Teoka's race.

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1 Do you agree with that?

2 A. Yes.

3 Q. And so when Teoka is telling you, I was called --
4 this patient was heard saying this derogatory thing,
5 racial thing, and the patient doesn't want me to be
6 her nurse, based on what Teoka was telling you, did
7 you believe that the patient did not want Teoka to
8 care for her based on her race?

9 MS. DAHLE: I am going to object to the
10 form of the question but you can answer.

11 THE WITNESS: I believed that at that
12 point it was my responsibility to go talk to the
13 patient and hear the patient's side of the story,
14 regardless of what I thought was true or false from
15 Teoka.

16 BY MS. GAFKAY:

17 Q. Understood. And what I am just asking you about is
18 based on what Teoka said, and you have said that you
19 believed her, Teoka was essentially saying the
20 patient didn't want her to care for her based on
21 race; correct?

22 MS. DAHLE: Object to the form of the
23 question, that's not what she said. You can answer.

24 BY MS. GAFKAY:

25 Q. That's what you understood by what she was telling

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1 you?

2 A. **Yes.**

3 Q. Now, you had worked for Beaumont for several years
4 and been a manager for several years at that point;
5 correct?

6 A. Um-hmm.

7 Q. Is that a yes?

8 A. **Yes.**

9 Q. As a manager, were you aware of any Beaumont policy
10 relating to a patient request for care based on
11 race?

12 A. **No.**

13 Q. Sitting here today, are you aware of any policy that
14 Beaumont has relating to a circumstance where a
15 patient is requesting care based on race?

16 A. Well, since this has happened, I have been told that
17 you are typically supposed to leave a nurse wherever
18 she is assigned, regardless.

19 Q. Well, have you seen any policy that --

20 A. Not --

21 MS. DAHLE: You have to let her finish.

22 BY MS. GAFKAY:

23 Q. Have you seen any policy that suggests that?

24 A. **No.**

25 Q. I know I asked you this but I just want to make sure

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1 attitude, and she didn't want her as her nurse. And
2 I said, Do you want to tell me what happened. And
3 she said, I just want my medication.

4 Q. And what did you say?

5 A. I said, I will check and see if you are due and I
6 will bring you your medication if you are due for
7 it, and then that's what I did.

8 Q. Well, did you tell her anything about whether or not
9 her request for a change of nurse would be
10 accommodated?

11 A. I told her that I would speak with the nurse but I
12 didn't tell her one way.

13 Q. Do you recall the patient saying she did not want
14 that black lady?

15 A. No.

16 Q. Did she say that?

17 A. No, at least not to me.

18 Q. Did she say that she did not want a black nurse?

19 A. No.

20 Q. Going into the room, you knew that Teoka had told
21 you that she heard the patient call her a black
22 bitch; correct?

23 A. Correct.

24 Q. Did you ask the patient if she called Teoka that?

25 A. No.

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1 Q. Or if she said that?

2 A. No.

3 Q. Why not?

4 A. Because at that point I was trying to find out what
5 the situation was and that just wouldn't be a
6 question that I would ask.

7 Q. Have you told me everything you can recall the
8 patient saying?

9 A. Yes.

10 Q. Do you agree that the patient did not give a valid
11 reason for not wanting Teoka as her nurse?

12 A. She told me she did not like her attitude.

13 Q. Okay. And you did not question that further?

14 A. I told Teoka when I came out of the room what the
15 patient had said.

16 Q. Okay. But then --

17 A. I didn't ask for a specific argument between the two
18 of them or what words were said between the two of
19 them, no.

20 Q. I mean, do you agree the general statement, I don't
21 like her attitude, is not valid for a patient to
22 request a different nurse?

23 A. Yes.

24 Q. So going back to my original question. Do you agree
25 that there was no valid reason given by the patient

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1 Q. -- where the nurse is alleged to be neglecting his
2 or her duties for some reason by the patient?

3 A. Yes.

4 Q. Now, with regard to Teoka, it doesn't sound like the
5 patient said anything that would suggest that she
6 neglected her duties with regard to this patient?

7 A. Correct.

8 Q. And you said that there had been that Teoka has come
9 down or worked on the floor with the IV team?

10 A. Yes.

11 Q. And had there been other times that Teoka had
12 floated to 8 north when she was picking up extra
13 shifts?

14 A. Yes.

15 Q. And have you ever had a problem with Teoka's work
16 ethic?

17 A. No.

18 Q. Have you ever had any patient complaints regarding
19 Teoka?

20 A. Not that I recall.

21 Q. Have you ever had any problems with Teoka?

22 A. No.

23 Q. Did you change staff with regard to this patient's
24 care after talking to the patient?

25 A. I did not reassign the patient, no.

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1 Q. Okay. So let me ask you this. At some point did
2 you get information that actually Teoka Williams did
3 not -- not only did not care for the bed 2 but did
4 not care for the bed 1 from the point in time you
5 told her not to care for the patient in bed 2 for
6 the rest of her shift?

7 A. Um-hmm. You said at some point was I aware of that?

8 Q. Yes.

9 A. Yes.

10 Q. And how did you become aware of that?

11 A. I believe the RN that I asked to take care of bed 2
12 had told me that.

13 Q. Olivia?

14 A. Correct.

15 Q. And what is Olivia's last name?

16 A. Moylan.

17 Q. What did Olivia tell you?

18 A. That she had ended up taking care of both patients
19 and passing medications on both patients.

20 Q. Did she tell you why?

21 A. Because she said that Teoka told her that she wasn't
22 supposed to go back into the room.

23 Q. And when was this that Olivia told you that?

24 A. I don't recall specifically.

25 Q. I mean, was it close in time? Was it within that

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1 Q. Now, as Teoka was assigned to care for the patient
2 when she came in at approximately 11:30 p.m.;
3 correct?

4 A. Yes.

5 Q. And Teoka was still working at 4:55 a.m.; correct?

6 A. Yes.

7 Q. And part of Teoka's job duties included giving the
8 medication at 4:55 a.m. if the patient needed it;
9 correct?

10 A. Correct.

11 Q. And you told Teoka not to provide further care,
12 direct care, to this patient; correct?

13 A. Correct.

14 Q. And that was the reason you gave the medication at
15 4:55 a.m.?

16 A. Correct.

17 Q. And then looking down, on this same document,
18 11/2/2017, it says 07:27. I assume that means 7:27.
19 Am I reading that correctly?

20 A. Yes.

21 Q. It looks like, from the progress note for this
22 patient, another medication was administered at 7:27
23 a.m. by Olivia Moylan. Do you see that?

24 A. Yes.

25 Q. And Teoka was still on her shift at that point;

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1 correct?

2 A. Yes.

3 Q. And had Teoka Williams not been removed from doing
4 her job duties, she would have been the person
5 responsible to provide that oral medication at 7:27
6 a.m.; correct?

7 A. Correct.

8 Q. But you told her not to; correct?

9 A. Correct.

10 Q. And if the patient needed water after you told Teoka
11 not to provide direct care to that patient, Olivia
12 or you were going to provide it; correct?

13 A. Correct.

14 Q. And do you recall that the patient did have other
15 requests for nursing services after you told Teoka
16 not to provide any further nursing services?

17 A. Not that were brought to my attention.

18 Q. Okay. Would bringing water, for instance, typically
19 be in the progress notes?

20 A. No.

21 Q. So if Teoka remembers that the patient needed water
22 and she could not provide that directly to the
23 patient after you had directed her not to care for
24 the patient, and it wasn't in the progress note,
25 that wouldn't be unusual for it not to be in the

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1 progress note; right?

2 **A. Right.**

3 Q. I mean, you knew that the patient was overheard
4 calling Teoka a black bitch, right --

5 MS. DAHLE: Object to the form of the
6 question.

7 BY MS. GAFKAY:

8 Q. -- based on what Teoka told you?

9 **A. Yes, based on what Teoka told me, yes.**

10 Q. I mean, you knew that this patient likely did not
11 want Teoka because of her race; correct?

12 MS. DAHLE: Objection, form of the
13 question; it calls for speculation, lack of
14 foundation. You can answer.

15 **THE WITNESS: Can you rephrase the**
16 **question, please.**

17 BY MS. GAFKAY:

18 Q. Well, Teoka told you that the patient did not want
19 her to care for her anymore; correct?

20 **A. Correct.**

21 Q. That she had been overheard or heard calling her a
22 black bitch; correct?

23 **A. Correct.**

24 Q. I mean, you knew the patient didn't want Teoka based
25 on race?

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1 MS. DAHLE: Object to the form of the
2 question based on foundation.

3 THE WITNESS: No.

4 BY MS. GAFKAY:

5 Q. Well, according to what Teoka said --

6 A. Correct. According to what Teoka said.

7 Q. According to what Teoka said, the patient no longer
8 wanted her to care for her based on race?

9 A. Correct.

10 MS. DAHLE: Object to the form of the
11 question. Let me finish my objection before you
12 start the question again, please. I am going to
13 object to the form of the question. You already
14 answered. Go ahead.

15 THE WITNESS: Correct.

16 BY MS. GAFKAY:

17 Q. Did you ever specifically ask the patient whether
18 her request was based on race?

19 A. No.

20 Q. In the event that a patient falls, is there a
21 process that you follow if there is a patient fall?

22 A. Yes.

23 Q. And what process is that? What's the process?

24 A. So the RN has to fill out paperwork. The nursing
25 assistant has to fill out paperwork. The attending

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1 physician has to be notified. The family has to be
2 notified. The house physician has to be notified.
3 The nursing supervisor has to be notified. There
4 had to be a note from the nurse. Also the house
5 officer comes in, which is the doctor covering,
6 comes and assesses the patient and they will also
7 make a note.

8 Q. And so in this circumstance when Teoka tells you
9 that a patient calls her a black bitch and requested
10 to not be cared for by her, other than what you have
11 already told us, talking to the patient and telling
12 Olivia to now provide direct care, was there
13 anything else that you did with regard to this?

14 A. No.

15 Q. Did you talk to your supervisor?

16 A. I did.

17 Q. Who is your supervisor?

18 A. Toni Ward, W-A-R-D.

19 Q. When did you talk to Toni Ward?

20 A. If it was not that immediate morning, it was the
21 next day.

22 Q. Did you approach Ms. Ward or did she approach you?

23 A. I approached her.

24 Q. And what was the reason you approached her?

25 A. Because I knew that Teoka was upset by what the

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1 patient had stated, and I wanted to let her know
2 what my actions were, in regards to having Olivia go
3 in and pass medication and why I didn't just switch
4 assignments completely.

5 Q. Well, let's talk about that. You have testified
6 that you actually had Olivia provide the direct care
7 to this patient.

8 A. Correct.

9 Q. Essentially you were transferring care to Olivia;
10 correct?

11 A. Essentially, yes.

12 Q. And so what typically happens when an RN transfers
13 care to another RN?

14 A. They would exchange a report.

15 Q. Verbally? In writing?

16 A. Verbally.

17 Q. Do you know if that happened between Teoka Williams
18 and Olivia Moylan?

19 A. I do not know. I know they spoke about the patient.
20 I don't know that a report was given.

21 Q. Did you tell Teoka Williams to provide a report to
22 Olivia?

23 A. I told her to provide a report in the morning to the
24 following shift because she had been taking care of
25 the patient most of the night.

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1 A. I told Teoka what my plan was and I asked her if she
2 was okay with that and she said yes.

3 Q. But that was after you already told her what you
4 were going to do?

5 A. Correct.

6 Q. Do you know how old Olivia is, approximately?

7 A. I would say mid-20s.

8 Q. Is it fair to say that Teoka has more nursing
9 experience than Olivia?

10 A. Yes.

11 (Discussion off the record.)

12 BY MS. GAFKAY:

13 Q. So you told me about talking to Toni Ward.

14 A. Correct.

15 Q. What did Ms. Ward say, if anything?

16 A. She just said okay. I believe she did ask why I
17 didn't just reassign them completely to Olivia, that
18 patient.

19 Q. And did you tell Toni Ward about Teoka saying the
20 patient was heard calling her a black bitch?

21 A. Yes.

22 Q. That she knew about that and her response was that,
23 You should have just reassigned?

24 A. No. She didn't say you should have just reassigned.
25 She asked why I did it, what my reasoning was.